

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

KELVIN FRANKLIN

PLAINTIFF

v.

CIVIL ACTION NO.: 4:23-CV-00165-SA-JMV

CITY OF INDIANOLA, MISSISSIPPI ET AL.

DEFENDANTS

ORDER STAYING CERTAIN PROCEEDINGS

Plaintiff Kelvin Franklin brought suit against Defendants City of Indianola, Chief Ronald Sampson, in his individual and official capacity, and Officer Greg Capers, in his individual and official capacity, asserting constitutional violations under the 4th and 14th Amendments, along with various state law claims under Mississippi law. Doc. No. 1. For the federal claims, Defendants have moved for judgment on the pleadings, or alternatively for summary judgment, raising, among other arguments, qualified immunity. Doc. Nos. 16, 17. For the state law claims, Defendants have also moved for judgment on the pleadings, or alternatively for summary judgment, raising, among other arguments, immunity under the Mississippi Tort Claims Act. Doc. Nos. 14, 15. Under Rule 16(b)(3)(B) of the Uniform Local Rules of the United States District Courts for the Northern and the Southern Districts of Mississippi, “[f]iling a . . . motion asserting an immunity defense . . . stays the attorney conference and disclosure requirements and all discovery, pending the court’s ruling on the motion, including any appeal.”

ACCORDINGLY, IT IS ORDERED that the proceedings enumerated in Rule 16(b)(3)(B), along with the case management conference, are stayed pending a ruling on Defendants’ Motions for Judgment on the Pleadings, or Alternatively, Motion for Summary Judgment. Doc. Nos. 14,

16. Defendants shall notify the undersigned magistrate judge within seven (7) days of a decision on the motions for judgment on the pleadings and shall submit a proposed order lifting the stay.

SO ORDERED, this the 1st day of November, 2023.

/s/ Jane M. Virden

UNITED STATES MAGISTRATE JUDGE